



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Groveton Education Association/NEA-NH

Petitioner

and

Groveton School District

Respondent

CASE NO. T-0268:8

DECISION NO. 86-37

APPEARANCES

Representing the Petitioner, Groveton Education Association/NEA-NH

John Fessenden, UniServ Director, NEA/NH

Representing the Respondent, Groveton School District

Charles J. Micciche, Supt.

Also in Attendance:

Ronald Gilbert, Town of Groveton
Richard Marshall, Groveton School Board
Charles Micciche, Superintendent
William L. Joyce, Groveton Teachers Ass.
Gary G. Jenness, Groveton Teachers Ass.
Larry Guile, Groveton Teachers Ass.
Judith Merriam, Groveton Teachers Ass.
Deborah Joyce, Groveton Teachers Ass.
Andrea Craxton, Groveton Teachers Ass.
John Fessenden, NEA/NH
Tom Ordzie, Groveton Teachers Ass.

BACKGROUND

The Groveton Education Association ("Association") filed an improper practice charge against the Groveton School District ("District") on

December 23, 1985. The Association charged unfair labor practices were being conducted in violation of RSA 273-A:5 I, (a), (b) and (d) in that a member of the school board was attempting to "harrass and intimidate teachers", particularly the Association President.

The District and the Northumberland School Board, through its Superintendent, replied that the Association charge should be dismissed since no breach of the contract was alleged and since the school board member in question is a parent of children in school and was acting in that capacity, not as a member of the school board. The District denies any violation of RSA 273-A.

A hearing was held at PELRB's office in Concord, N.H. on March 27, 1986 with all parties represented.

FINDINGS

(1) The school district meeting had turned down the fact-finder's report and the negotiations were continuing between the parties.

(2) On about December 12, 1985 Mr. Richard Marshall, a member of the Northumberland School Board, Groveton School District, stood at the entrance of the Groveton Elementary School, at approximately 7:30 A. M. and spoke to several teachers as they arrived at school, inquiring as to why no Christmas parties were planned for the children.

(3) One teacher testified that in conversation with Mr. Marshall he spoke of the lack of Christmas Parties and referred to the President of the Teacher's Association, Mr. Joyce, as having "power going to his head". This teacher testified that Mr. Marshall spoke to several teachers, not just those who taught his children and since Mr. Marshall was a member of the school board this was felt to be "intimidating".

(4) Testimony revealed that the appearance of Mr. Marshall at the school was not related to negotiations, which were ongoing, the district having turned down the fact-finder's report, although some teachers felt it was related because of statements made by Marshall about the reason for not having Christmas parties.

(5) Testimony revealed that the wife of the Teacher's Association President, when confronted by Mr. Marshall, spoke of a lack of "Christmas Spirit" at which point Mr. Marshall suggested that the teacher and spouse might want to leave teaching for some extended time. (Marshall testified he didn't remember saying this.) This statement was seen as a "threat" to the couple. (Words to this effect were later repeated to at least one other teacher). In a telephone conversation to the President of the Association, Marshall also suggested the teacher get out of teaching.

(6) The Association President denied ever relating the lack of Christmas parties to the rejection of the Fact-Finder's Report. Marshall testified he did and that other teachers all but admitted that the lack of Christmas parties was because of the rejection of the Fact-Finder's Report.

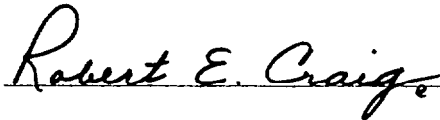
(7) Mr. Marshall testified that he was concerned as a parent, with 3 children in school and that his conversations were not meant to threaten anyone. He further testified that he didn't remember saying several of the things others said he said.

RULINGS OF LAW

No direct action by the School Board, which is the Public Employer in this case, was in any way established which might be a breach of RSA 273-A:5 (a), (b) and (d). The actions of Mr. Marshall, while clearly motivated by his anger over the lack of Christmas parties cannot be held to be the assertions of the School Board or even certainly the action of a school board member, since Mr. Marshall is also a parent. We caution however, that Mr. Marshall's position as a school board member and member of the Negotiating Team (as are all school board members) gives him a special public trust and he bears the responsibility to conduct himself in a way so as to avoid any appearance of acting contrary to 273-A and its protection of the rights to teachers.

DECISION

The PELRB, finding no certainty in the charge of Unfair Labor Practice under RSA 273-A:5 (a), (b) and (d) hereby dismisses the complaint.

A handwritten signature in cursive script, reading "Robert E. Craig", is written over a horizontal line.

ROBERT E. CRAIG, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 11th day of June, 1986

By unanimous vote. Chairman Craig presiding, members Rouls and Anderson present and voting. Also present, Executive Director Evelyn C. LeBrun